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GOVERNMENT GAZETTE

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Special Department

Notification

32-45-66-SPL

The following notification from Government of India, Ministry of Home Affairs, is hereby republished for information.

D. V. Sawant, Deputy Secretary (Appointments).
Panaji, 17th January, 1968.

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

Notification

13/3/67-AIS(I)

New Delhi-1, the 29th December, 1967

G. S. R.—In pursuance of sub-rule (1) of rule 3 of the Indian Administrative Service (Cadre) Rules, 1954, and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. G. S. R. 1156, dated the 20th October, 1959, relating to the constitution of a Joint Cadre of the Indian Administrative Service for the Union territories of Delhi and Himachal Pradesh, the Central Government constitutes for all the Union Territories, a Joint Cadre of the Indian Administrative Service with effect from 1st January, 1968.

A. N. BATABYAL
Under Secretary to the Govt. of India.

Notification

32-45-66-SPL

The following notification from Government of India, Ministry of Home Affairs is hereby republished for information.

D. V. Sawant, Deputy Secretary (Appointments).
Panaji, 17th January, 1968.

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

Notification

13/3/67-AIS(I)-(2)

New Delhi-1, the 29th December, 1967

G. S. R.—In exercise of the powers conferred by sub-section (1) of section 3 of the All-India Services Act, 1951 (61 of 1951), the Central Government hereby makes the following rules further to amend the Indian Administrative Services (Recruitment) Rules, 1954, namely:

1. (1) These rules may be called the Indian Administrative Service (Recruitment) Amendment Rules, 1967.
 (2) They shall come into force with effect from the 1st January, 1968.
2. In the Indian Administrative Service (Recruitment) Rules, 1954,
 - (a) in rule 2 —
 - (i) in clause (f), after the words "Union Territory", the words "and the North East Frontier Agency" shall be added;
 - (ii) for clause (g), the following clause shall be substituted namely: —

"(g) "State Civil Service" means: —

 - (i) any service or services approved for the purposes of these rules by the Central Government in consultation with the State Government, a member of which normally holds for purposes of revenue and general administration charge of a sub-division of a district or a post of higher responsibility; or
 - (ii) any service in such Civil Post, Class I or Class II, as may be approved by the Central Government for the purposes of these rules".
 - (b) in rule 4, in sub-rule (5), for the words "Union Territories of Delhi and Himachal Pradesh",

the words "Union territories and the North East Frontier Agency" shall be substituted.

A. N. BATABYAL

Under Secretary to the Govt. of India.

Notification

The following notification from Government of India, Ministry of Home Affairs, is hereby re-published for information.

D. V. Sawant, Deputy Secretary (Appointments):

Panaji, 17th January, 1968.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Notification

13/3/67-AIS(I)(5)

New Delhi-1, the 29th December, 1967

G. S. R. ... In pursuance of sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954, the Central Government, in consultation with the Union Public Service Commission, hereby makes the following regulations further to amend the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, namely:—

1. (1) These regulations may be called the Indian Administrative Service (Appointment by Promotion) Amendment Regulations, 1967.

(2) They shall come into force with effect from the 1st January, 1968.

2. In the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 (hereinafter referred to as the said regulations), in regulation 2, in sub-regulation(i) —

(a) in clause (i), after the words "Union Territory", the words "and the North East Frontier Agency" shall be added;

(b) for clause (j), the following clause shall be substituted, namely:—

"(j) "State Civil Service" means:—

(i) any service or services approved for purposes of the Recruitment Rules by the Central Government in consultation with the State Government, a member of which normally holds for purposes of revenue and general administration charge of a sub-division of a district or post of higher responsibility; or

(ii) any service in such Civil Post, Class I or Class II, as may be approved by the Central Government for the purposes of these regulations";

(c) in clause (k), in sub-clause (iii) after the words "a group of Union Territories" the words "and the North East Frontier Agency" shall be inserted.

3. In regulation 3 of the said regulations the words "or for the group of Union Territories", the words "and the North East Frontier Agency", shall be inserted.

4. In the Schedule to the said regulations —

(a) serial No. 4 and the entries relating thereto shall be omitted;

(b) after serial No. 17, the following shall be inserted, namely:—

"18. Union Territories (1) Secretary, Ministry of Home Affairs or a nominee of the Ministry not below the rank of a Joint Secretary to the Government of India.

(2) Administrator of the Union Territory of Delhi or the Chief Secretary, Delhi Administration.

(3) Administrator of the Union Territory of Himachal Pradesh or the Chief Secretary to the Government.

(4) Administrator of the Union Territory of Manipur or the Chief Secretary to the Government.

(5) Administrator of the Union Territory of Tripura or the Chief Secretary to the Government.

(6) Administrator of the Union Territory of Goa, Daman and Diu or the Chief Secretary to the Government.

(7) Administrator of the Union Territory of Puducherry or the Chief Secretary to the Government.

(8) Administrator of the Union Territory of the Andaman & Nicobar Islands.

Provided that if for any reason it is not possible for the representative of any Union Territory to attend a meeting of the Selection Committee, the Ministry of Home Affairs shall nominate an Officer in that Ministry not below the rank of a Deputy Secretary to the Government of India to represent that Union Territory:

Provided further that such a representative may represent more than one Union Territory".

A. N. BATABYAL

Under Secretary to the Govt. of India.

Notification

The following notification from Government of India, Ministry of Home Affairs, is hereby republished for information.

D. V. Sawant, Deputy Secretary (Appointments).
Panjim, 20th January, 1968.
Saka 1889 pous 30.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

Notification

13/3/67-AIS(I)-(7)

New Delhi-1, the 24th December, 1967

G. S. R.—In pursuance of rule 11 of the I. A. S. (Pay) Rules, 1954, the Central Government hereby makes the following amendments to Schedule III appended to the said rules.

2. These amendments shall come into force with effect from 1st January, 1968.

Amendment**IN THE SAID SCHEDEULE III**

i) Under the heading 'A-post carrying pay above the time scale pay in the Indian Administrative Service Under the State Government' the entries regarding Delhi & Himachal Pradesh may be deleted and after the Entries relating to «West Bengal» the following entries shall be inserted viz:—

"Union Territories**Delhi Administration**

Chief Secretary.	2500-125/2-2750
Financial Adviser-cum-	1800-100-2000
Housing Commissioner.	

Government of Himachal Pradesh

Chief Secretary to the Government.	2500-125/2-2750
Commissioner.	2500-125/2-2750

Government of Goa, Daman and Diu

Chief Secretary to the Government.	1800-100-2000
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ii) Under the heading 'B-Posts carrying pay in the senior time scale of the Indian Administration Service Under the State Government including posts carrying special pay in addition to pay in the time scale' the entries regarding Delhi and Himachal Pradesh may be deleted and after the entries relating to the West Bengal the following entries may be inserted viz:—

"Union Territories"**Delhi Administration**

Deputy Commissioner.	
Development Commissioner-cum-Director of Social Welfare.	
Director of Employment, Training and Technical Education.	
Director of Vigilance.	
President, New Delhi Municipal Committee.	
Deputy Commissioner, Municipal Corporation of Delhi.	

Secretary to the Administration.
Secretary to the Lt. Governor.
Director of Civil Supplies.
Director of Industries.
Labour Commissioner.
Commissioner of Sales Tax.
Director of Transport.
Registrar of Cooperative Societies.
Deputy Secretary.
Deputy Housing Commissioner.
Additional District Magistrate.

Government of Himachal Pradesh

Development Commissioner.
Land Reforms Commissioner.
Secretary to Government.
Secretary to Lt. Governor.
Director of Civil Supplies.
Registrar of Cooperative Societies.
Excise and Taxation Commissioner.
Joint Secretary to the Government.
Director of Industries.
Government Transport.
General Manager, Himachal Pradesh.
Director of Panchayats.
Deputy Development Commissioner.
Director of Vigilance.
Settlement Officer.
Deputy Commissioner.
Director of Welfare.

Government of Manipur

Chief Secretary to the Government.
Secretary to the Government.
Director of Land Records and Settlement.
Director of Vigilance.
Additional District Magistrate.

Government of Tripura

Chief Secretary to the Government.
Development Commissioner.
Finance Secretary.
Director of Rehabilitation.
Settlement Officer.
Additional District Magistrate and Collector.

Government of Pondicherry

Chief Secretary to the Government.
Secretary to Government.
Secretary to the Lt. Governor.

Andaman & Nicobar Administration

Chief Secretary.
Development Commissioner-cum-Development Secretary.
Secretary (Finance) to the Chief Commissioner.
Deputy Commissioner.
Additional Deputy Commissioner.

Laccadive, Minicoy and Adminidivi Administration

Administrator.

Government of Goa, Daman and Diu

Secretary (planning)-cum-Development Commisioner.
Secretary to Government.
Secretary to Lt. Governor.
Director of Industries and Mines.
Commissioner, Sales Tax, Entertainment Tax and Excise.
Collectors and District Magistrates.

Chandigarh Administration

Secretary to the Administration.
Deputy Commissioner.

A. N. BATABYAL

Under Secretary to the Govt. of India.

Notification

The following notification from Government of India, Ministry of Home Affairs, is hereby republished for information.

D. V. Sawant, Deputy Secretary (Appointments).
Panaji, 17th January, 1968.

GOVERNMENT OF INDIA**MINISTRY OF HOME AFFAIRS****Notification**

13/4/67-AIS(I)-(1)

New Delhi-1, the 29th December, 1967

G. S. R.—In pursuance of sub-rule (1) of rule 3 of the Indian Police Service (Cadre) Rules, 1954, and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. G. S. R. 835, dated the 23rd July, 1960, relating to the constitution of a Joint Cadre of the Indian Police Service for the Union territories of Delhi and Himachal Pradesh, the Central Government constitutes for all the Union territories, a Joint Cadre of the Indian Police Service with effect from the 1st January, 1968.

A. N. BATABYAL

Under Secretary to the Govt. of India.

Notification

The following Notification from Government of India, Ministry of Home Affairs, is hereby republished for information.

D. V. Sawant, Deputy Secretary (Appointments).
Panjim, 20th January, 1968.
Saka 1889 pous 30.

GOVERNMENT OF INDIA**MINISTRY OF HOME AFFAIRS****Notification**

13/4/67-AIS(I)-(5)

G. S. R.—In pursuance of sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, the Central Government, in consultation with the Union Public Service Commission, hereby makes the following regulations further to amend the Indian Police Service (Appointment by Promotion) Regulations, 1955, namely:—

1. (1) These regulations may be called the Indian Police Service (Appointment by Promotion) Amendment Regulations, 1967.

(2) They shall come into force with effect from 1st January, 1968.

2. In the Indian Police Service (Appointment by Promotion) Regulations, 1955 (hereinafter referred to as the said regulation, in regulation 2, in sub-regulation (1),

(a) in clause (i), after the words 'Union Territory', the words "and the North East Frontier Agency" shall be added;

(b) for clause (j), the following clause shall be substituted, namely:

"(j) State Police Service" means:

(i) the principal police service of a State, a member of which normally holds charge of a sub-division of a district for purposes of police administration and includes any other duly constituted police service functioning in a state which is declared by the State Government to be equivalent thereto; or

(ii) any service in such police post, Class I or Class II, as may be approved by the Central Government for the purposes of these rules".

(c) in clause (k), in sub-clause (iii), after the words 'a group of Union Territories' the words 'and the North East Frontier Agency' shall be inserted.

3. In regulation 3 of the said regulations, in sub-regulation (i), after the words 'or for the group of Union Territories' the words 'and the North East Frontier Agency' shall be inserted.

4. In the schedule to the said regulations,—

(a) Serial No. 4 and the entries relating thereto shall be omitted;

(b) after serial No. 16, the following shall be inserted, namely:

"17. Union Territories (1) Secretary, Ministry of Home Affairs, or a nominee of the Ministry not below the rank of a joint Secretary to the Government of India.

(2) Administrator of the Union Territory of Himachal Pradesh or the Chief Secretary to the Government.

(3) Administrator of the Union Territory of Delhi or the Chief Secretary, Delhi Administration.

(4) Administrator of the Union Territory of Manipur or the Chief Secretary to the Government.

(5) Administrator of the Union Territory of Tripura or the Chief Secretary to the Government.

- (6) Administrator of the Union Territory of Goa, Daman and Diu or the Chief Secretary to the Government.
- (7) Administrator of the Union Territory of Pondicherry or the Chief Secretary to the Government.
- (8) Administrator of the Union Territory of Andaman and Nicobar Islands.
- (9) Inspector General of Police, Delhi.
- (10) Inspector General of Police, Manipur.
- (11) Inspector General of Police, Himachal Pradesh.
- (12) Inspector General of Police, Tripura.

Provided that if for any reason it is not possible for the representative of any Union Territory to attend a meeting of the Selection Committee, the Ministry of Home Affairs shall nominate an Officer in that Ministry not below the rank of a Deputy Secretary to the Government of India to represent that Union Territory.

Provided further that such a representative may represent more than one Union Territory.

A. N. BATABYAL
Under Secretary to the Govt. of India.

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Finance (Revenue) Department

Notification

Fin(Rev)/2-35/part/143/68

In exercise of the powers conferred by Rule 84 of the Goa, Daman and Diu Excise Duty Rules, 1964, Government hereby grants extension of time limit with effect from 1st January, 1968 till the end of February 1968 for the disposal of cashew liquor manufactured and stored in any warehouse during the year 1967, by any licensed bidder, anywhere in the territory of Goa.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panaji, 20th January, 1968.

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Law and Judicial Department

Notification

L. D. 188/68/2

The Mahe (Stay of Eviction Proceedings) Regulation (Amendment) Ordinance (No. 9 of 1967) as

pronounced by the President of India is hereby reproduced below for general information.

M. S. Borker, Under Secretary.

Panaji, 11th January, 1968.

THE MAHE (STAY OF EVICTION PROCEEDINGS) REGULATION (AMENDMENT)
ORDINANCE, 1967

No. 9 of 1967

Promulgated by the President in the Eighteenth Year of the Republic of India.

An Ordinance further to amend the Mahe (Stay of Eviction Proceedings) Regulation, 1963.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance, namely:

1. Short title, extent and commencement. — (1) This Ordinance may be called the Mahe (Stay of Eviction Proceedings) Regulation (Amendment) Ordinance, 1967.

(2) It extends to the whole of Mahe in the Union territory of Pondicherry.

(3) It shall come into force at once.

2. Amendment of section I of Regulation 5 of 1963. — During the period of operation of this Ordinance, sub-section (3) of section 1 of the Mahe (Stay of Eviction Proceedings) Regulation, 1963, 5 of 1963, shall have effect subject to the modification that for the words, figures and letters «the 31st day of December, 1967», the words, figures and letters «the 31st day of December, 1968» shall be substituted.

ZAKIR HUSAIN,

President.

V. N. BHATIA,
Secy. to the Govt. of India.

Notification

LD/2/62-67-68

The Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act 1967 (29 of 1967) and the Haryana State Legislative (Delegation of Powers) Act 1937 (30 of 1967) as assented to by the President of India is hereby reproduced below for general information.

M. S. Borker, Under Secretary.

Panaji, 18th January, 1968.

The Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967

(Act No. 29 of 1967)

AN
ACT

to provide in the public interest for the liquidation of cotton textile companies while keeping the undertakings thereof as running concerns, or for the reconstruction of cotton textile companies, in certain cases and for matters connected therewith.

WHEREAS cotton textile industry is an important industry in the country;

AND WHEREAS adequate and improved production of cloth is not only essential for the life of the community but also contributes in the earning of foreign exchange substantially;

AND WHEREAS quite a large number of ancillary industries depend and flourish on the cotton textile industry;

AND WHEREAS conditions in the cotton textile industry have tended to deteriorate due to lack of modernisation and other reasons;

AND WHEREAS on account of mismanagement certain cotton textile mills are threatened with closure;

AND WHEREAS the closure of the cotton textile mills will affect prejudicially the production of cotton textiles and the interests of labour;

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Cotton Textile Companies (Management of Undertakings and Liquidation or Reconstruction) Act, 1967.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “cotton textiles” means yarn or fabrics made either wholly or partially of cotton;

(b) “Court” means the High Court having jurisdiction in relation to the place at which the registered office of a textile company is situated;

(c) “current assets” means bank balances and cash and includes such other assets or reserves as are expected to be realised in cash or sold or consumed within a short period of time in the ordinary course of business such as stock-in-trade, amounts due from sundry debtors for sale of goods and for services rendered, advance tax payments and bills receivable, but does not include sums credited to a provident fund, a pension fund, a gratuity fund or any other fund for the welfare of the employees, maintained by a textile company;

(d) “current liabilities” means liabilities which must be met on demand or within a period of twelve months from the date they are incurred;

(e) “Industries Act” means the Industries (Development and Regulation) Act, 1951;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “textile company” means a company as defined in the Companies Act, 1956, engaged wholly or mainly in the manufacture of cotton textiles;

(h) words and expressions used but not defined in this Act and defined in the Companies Act, 1956, shall have the meanings respectively assigned to them in the Act.

3. Power of Central Government to call for report on the affairs and working of managed company.—Where the management of the undertaking of a textile company has been taken over under section 18A of the Industries Act, the Central Government may, at any time during the continuance of such management, call for a report on the affairs and working of the undertaking from the person or body of persons authorised to take over the management of the undertaking (hereinafter referred to as the authorised person) and in submitting the report, the authorised person shall take into account the inventory and the lists of members and creditors prepared under section 7.

4. Decision of Central Government in relation to managed company.—(1) If the Central Government on receipt of the report from the authorised person is satisfied that the financial condition and other circumstances of the textile company are such that the textile company is not in a position to meet its current liabilities out of its current assets, that Government may, if it considers it necessary or expedient in the public interest, by order, decide that the undertaking of the textile company should be sold as a running concern as provided in section 5 and proceedings should simultaneously be started for the winding up of the textile company.

(2) Notwithstanding anything contained in sub-section (1), if the Central Government on receipt of the report from the authorised person is satisfied that—

(a) in the public interest, or

(b) in the interests of the shareholders, or

(c) to secure the proper management of the textile company,

it is necessary so to do, the Central Government may, by order, decide to prepare a scheme for the reconstruction of the textile company.

(3) For the removal of doubt, it is hereby declared that nothing contained in this section shall be construed as preventing the Central Government from exercising the powers conferred on it by section 18F of the Industries Act in respect of a textile company the management of whose undertaking has been taken over under section 18A of that Act but such powers shall not be exercised after the making of

an order under sub-section (1) or, as the case may be, under sub-section (2) of this section.

5. Provisions where Government decides to follow the course specified in section 4 (1).—(1) The provisions hereinafter laid down shall apply where the Central Government decides that the course specified in sub-section (1) of section 4 should be followed, namely:—

(a) the decision of the Central Government that the course specified in sub-section (1) of section 4 should be followed in relation to any textile company shall be deemed to be a ground specified in section 433 of the Companies Act, 1956, for the presentation of an application for the winding up of the textile company; 1 of 1956

(b) the authorised person shall, as soon as may be, after the decision specified in sub-section (1) of section 4 has been taken by the Central Government, present by petition an application to the Court for the winding up of the textile company on the ground that in the opinion of the Central Government it is necessary or expedient in the public interest that while the undertaking of the textile company should continue to be managed as a running concern, the company itself should be wound up;

(c) the authorised person shall, in addition to discharging his functions of management of the undertaking as a running concern under the Industries Act, function as Official Liquidator, until it is sold or purchased in pursuance of this section, in the winding up proceedings of the textile company as if he were an Official Liquidator appointed under section 448 of the Companies Act, 1956, and thereafter the Official Liquidator referred to in that section shall function as the Official Liquidator in the said proceedings; 1 of 1956

(d) the authorised person shall make a report to the Central Government as to what should be the reserve price for the sale of the undertaking as a running concern, and in making such a report, he shall have regard to—

(i) the financial condition of the textile company on the date of the order under section 4—

- (1) as disclosed in its books of account,
- (2) as disclosed in its balance-sheets and profit and loss accounts during a period of five years immediately before the said date;

(ii) the condition and nature of the plant, machinery, instruments and other equipment from the point of view of their suitability for profitable use in the running of the undertaking;

(iii) the total amount of liability on account of secured and unsecured debts including overdrafts, if any, drawn on banks, liabilities, on account of terminal benefits to the employees and other borrowings and liabilities of the textile company; and

(iv) other relevant factors including the factor that the undertaking will be sold free from all encumbrances, and notice of such price shall be given in such manner as may be prescribed to the members and creditors of the textile company requiring them to make representations within a specified time to the Central Government through the authorised person and the Central Government after considering the representations received and the report of the authorised person, determine the reserve price;

(e) the authorised person shall thereafter, with the permission of the Court, invite tenders from the public in such manner as may be determined by the Court for the sale of the undertaking as a running concern subject to the condition that it will be sold to the person offering the highest price which shall not be less than the reserve price determined under clause (d):

Provided that the Court shall not refuse permission if it is satisfied that the textile company is not in a position to meet its current liabilities out of its current assets;

(f) the undertaking shall be sold to the highest bidder as a running concern only if the price offered by him therefor is not less than the reserve price;

(g) where no offer of price is equal to or more than the reserve price, the undertaking shall be purchased by the Central Government at the reserve price;

(h) the amount realised from the sale of the undertaking as a running concern together with any other sum which may be realised from any contributory, purchaser or any other person from whom any money is due to the textile company shall be utilised in accordance with the provisions of the Companies Act, 1956, in discharging the liabilities of the textile company and distributing the balance, if any, amongst the members of the company; 1 of 1956

(i) in other respect, the provisions of the Companies Act, 1956, relating to winding up by the Court shall, as far as may be, apply. 1 of 1956

(2) When any undertaking is sold to any person under clause (f), or purchased by the Central Government under clause (g), of sub-section (1), there shall be transferred to and vested in the purchaser, free from all encumbrances, all such assets relating to the undertaking as are referred to in sub-clause (i) of clause (a) of section 7 and existing at the time of the sale or purchase.

6. Provisions where Government decides to follow the course specified in section 4 (2).—(1) Where in any case the Central Government decides that the course specified in sub-section (2) of section 4 should be followed, it shall cause to be prepared by the authorised person a scheme for the reconstruction of the textile company in accordance with the provisions hereinafter contained and the authorised person shall submit the same for its approval.

(2) The scheme for the reconstruction of the textile company may contain provisions for all or any of the following matters, namely:—

(a) the constitution, name and registered office, the capital, assets, powers, rights, interests, authorities and privileges, the liabilities, duties and obligations of the company on its reconstruction;

(b) any change in the Board of directors, or the appointment of a new Board of directors of the company on its reconstruction and the authority by whom, the manner in which and the other terms and conditions on which, such change or appointment shall be made and in the case of appointment of a new Board of directors or of any director, the period for which such appointment shall be made;

(c) the vesting of controlling interest in the reconstructed textile company in the Central Government either by the appointment of additional directors or by the allotment of additional shares;

(d) the alteration of the memorandum and articles of association of the company on its reconstruction to give effect to such reconstruction;

(e) subject to the provisions of the scheme, the continuation by or against the company on its reconstruction of any action or proceedings pending against the company immediately before the date of its reconstruction;

(f) the reduction of the interest or rights which the members and creditors have in or against the company before its reconstruction to such extent as the Central Government may consider necessary in the public interest or in the interests of the members and creditors or for the maintenance of the business of the company;

Provided that nothing contained in this clause shall be deemed to authorise the reduction of the interest or rights of any creditor (including Government) in respect of any loan or advance made by that creditor to the company after the date on which the management of the undertaking of the company has been taken over under section 18A of the Industries Act;

(g) the payment in cash or otherwise to the creditors in full satisfaction of their claim—

(i) in respect of their interest or rights in or against the company before its reconstruction; or

(ii) where their interest or rights aforesaid in or against the company has or have been reduced under clause (f), in respect of such interest or rights as so reduced;

(h) the allotment to the members of the company for shares held by them therein before its reconstruction [whether their interest in such shares has been reduced under clause (f) or not], of shares in the company on its reconstruction and where it is not possible to allot shares to any members, the payment in cash to those members in full satisfaction of their claim—

(i) in respect of their interest in shares in the company before its reconstruction, or

(ii) where such interest has been reduced under clause (f), in respect of their interest in shares as so reduced,

(i) the offer by the Central Government to acquire by negotiations with the members of the company their respective shares on payment in cash to those members who may volunteer to sell their shares to the Central Government in full satisfaction of their claim—

(i) in respect of their interest in shares in the company before its reconstruction, or

(ii) where such interest has been reduced under clause (f), in respect of their interest in shares as so reduced;

(j) the conversion of any debentures issued by the company after the taking over of the company under section 18A of the Industries Act or of any loans obtained by the company after that date or of any part of such debentures or loans, into shares in the company and the allotment of those shares to such debenture-holders or creditors, as the case may be;

(k) the increase of the capital of the company by the issue of new shares and the allotment of such new shares to the Central Government;

(l) the continuance of the services of such of the employees of the company as the Central Government may specify in the scheme in the company itself on its reconstruction on such terms and conditions as the Central Government thinks fit;

(m) notwithstanding anything contained in clause (l), where any employees of the company whose services have been continued under clause (l) have, by notice in writing given to the company at any time before the expiry of one month next following the date on which the scheme is sanctioned by the Court, intimated their intention of not becoming employees of the company on its reconstruction, the payment to such employees and to other employees whose services have not been continued on the reconstruction of the company, of compensation, if any, to which they are entitled under the Industrial Disputes Act, 1947 and such pension, gratuity, provident fund and other retirement benefits ordinarily admissible to them under the rules or authorisations of the company immediately before the date of its reconstruction;

(n) any other terms and conditions for the reconstruction of the company;

(o) such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction shall be fully and effectively carried out.

(3) (a) A copy of the scheme as approved by the Central Government shall be sent in draft to the company and to the creditors thereof for suggestions and objections, if any, within such a period as the Central Government may specify for this purpose.

(b) The Central Government may make such modifications, if any, in the draft scheme as it may consider necessary in the light of the suggestions and objections received from the company and from any members or creditors of the company.

(4) The scheme shall thereafter be placed before the Court for its sanction and the Court if satisfied that the scheme is in the public interest or in the interests of the shareholders or for securing the proper management of the company and that the scheme is designed to be fair and reasonable to the members and creditors of the company, may, after giving an opportunity to the company and to its members and creditors of showing cause, sanction the scheme without any modification or with such modifications as it may consider necessary.

(5) The scheme as so sanctioned by the Court shall come into force on such date as the Court may specify in this behalf:

Provided that different dates may be specified for different provisions of the scheme.

(6) The sanction accorded by the Court under sub-section (4) shall be conclusive evidence that all the requirements of this section relating to the reconstruction of the company have been complied with, and a copy of the sanctioned scheme certified by the Court to be a true copy thereof, shall, in all legal proceedings (whether original or in appeal or otherwise), be admitted as evidence to the same extent as the original scheme.

(7) On and from the date of the coming into operation of the scheme or any provision thereof, the scheme or such provision shall be binding on the company and also on all the members and other creditors and employees of the company and on any other person having any right or liability in relation to the company.

(8) On the coming into operation of the scheme or any provision thereof, the authorised person shall cease to function, and the management of the reconstructed company shall be assumed by the Board of Directors as provided in the scheme.

(9) Copies of the scheme shall be laid before each House of Parliament, as soon as may be, after the scheme has been sanctioned by the Court.

(10) The provisions of this section and of any scheme made thereunder shall have effect notwithstanding anything contained in sections 391 to 394A (both inclusive) of the Companies Act, 1956.

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7. Preparation of inventory of assets and liabilities and list of members and creditors, of a managed company. — For the purposes of this Act, the authorised person shall, as soon as may be, after taking over the management of the undertaking of a textile company under section 18A of the Industries Act, —

(a) prepare a complete inventory of —

(i) all property, movable and immovable, including lands, buildings, works, workshops, stores, instruments, plant, machinery automobiles and other vehicles, stocks of yarn, thread, cloth or fabric, in course of production, storage or transit, raw materials, chemicals, dyes, cotton, cash balances, cash in hand, deposits in bank or with any other person or

body or on loan, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the date of taking over of the undertaking in the ownership, possession, power or control of the textile company, whether within or without India; and all books of account, registers, maps, plans, sections, drawings, records, documents or titles of ownership of property, and all other documents of whatever nature relating thereto; and

(ii) all borrowings, liabilities and obligations of whatever kind of the textile company including liability on account of terminal benefits to its employees subsisting immediately before the said date;

(b) prepare separately a list of members, and a list of creditors, of such textile company as on the date of taking over of the management of the undertaking showing separately in the list of creditors, the secured creditors and the unsecured creditors:

Provided that where the management of the undertaking of a textile company has been taken over under the said section 18A before the commencement of this Act, the aforesaid functions shall be performed by the authorised person within six months from such commencement.

8. Stay of suits and other proceedings. — In the case of a textile company in respect of which an order under section 4 has been made, no suit or other legal proceeding shall be instituted or continued against the textile company except with the previous permission of the Central Government or any officer or authority authorised by that Government in this behalf.

9. Protection of action taken in good faith. — (1) No suit, prosecution or other legal proceedings shall lie against the Central Government, the authorised person or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order, notification or scheme made thereunder.

(2) No suit or other legal proceedings shall lie against the Central Government, the authorised person or any officer or authority for any damage, loss or injury caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order, notification or scheme made thereunder.

10. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as

the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

The Haryana State Legislature (Delegation of Powers) Act, 1967

(Act No. 30 of 1967)

AN
ACT

to confer on the President the power of the Legislature of the State of Haryana to make laws.

Be it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Haryana State Legislature (Delegation of Powers) Act, 1967.

2. Definition.—In this Act, "Proclamation" means the Proclamation issued on the 21st day of November, 1967, under article 356 of the Constitution, by the President and published with the notification of the Government of India, in the Ministry of Home Affairs No. G. S. R. 1753 of the said date.

3. Conferment on the President of the power of the State Legislature to make laws.—(1) The power of the Legislature of the State of Haryana to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is

not in session, enact as a President's Act a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of—

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Haryana in that House; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Haryana in that House.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

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Local Self Government Department

ORDER

Government Order dated 19th August, 1964 regarding lease of fishing stakes to Cooperative Societies, published in the Government Gazette No. 37 Series I dated 10th September, 1964, is hereby cancelled.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. P. Upasani, Secretary to the Chief Minister.

Panaji, 17th January, 1968.